

FBI-B 22  
(Rev. 2/88)TRANSFER OF JURISDICTION  
MAGISTRATE JUDGE VALDEZ JUDGE NORGLDOCKET NUMBER (Tran. Court)  
3:97CR46-001

DOCKET NUMBER (Rec. Court)

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:

Erick C. Clay

DISTRICT

DIVISION

07CR 703

NORTHERN DISTRICT OF  
INDIANA

SOUTH BEND

RECEIVED

OCT 18 2007

NAME OF SENTENCING JUDGE

HONORABLE CHIEF JUDGE ROBERT L. MILLER, Jr.

U.S. PROBATION OFFICE  
CHICAGO, ILLINOISDATES OF PROBATION/SUPERVISED  
RELEASE: FROM 09/06/2007 TO 09/05/2010

FILED

IN NOV 13 2007  
11-13-2007

Arson 18:844(j) Distribution of Crack Cocaine, Aiding &amp; Abetting 21:841(a)(1) &amp; 18:2

## PART 1 - ORDER TRANSFERRING JURISDICTION

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the NORTHERN DISTRICT OF ILLINOIS [Chicago] upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.\*

FILED

October 10, 2007

NOV 13 2007

Robert Miller

Date

MICHAEL W. DOBBINS

United States District Judge

CLERK, U.S. DISTRICT COURT

\*This sentence may be deleted in the discretion of the transferring Court.

## PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS [Chicago]

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

OCT 23 2007

Effective Date

*James F. Holdeiman*

A TRUE COPY-AT-TEST  
RECORDED IN THE CLERK'S OFFICE  
U.S. DISTRICT COURT, NORTHERN  
DISTRICT OF ILLINOIS

BY: *James F. Holdeiman*  
CLERK  
U.S. DISTRICT COURT, NORTHERN  
DISTRICT OF ILLINOIS

DATE: OCT 31 2007

United States District Judge

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

Stephen R. Ludwig, Clerk

[www.innd.uscourts.gov](http://www.innd.uscourts.gov)

November 8, 2007

Clerk, U.S. District Court  
Northern District of Illinois  
219 South Dearborn Street  
Chicago, IL 60604

Re: Erick Clay

Dear Clerk:

The Transfer of Jurisdiction PROB 22 has been signed and jurisdiction has been accepted by your court.

Enclosed are certified copies of the indictment, judgment and commitment and docket sheet from our case number 3:97-cr-46 Erick Clay. We are also sending a current copy of the ledger.

Sincerely,

STEPHEN R. LUDWIG, CLERK

By: Shirley Paulson

Shirley Paulson  
Case Administrator  
547-246-8000

cc: USPO Nikki Vogelsburg

Reply to South Bend Office

1108 E. Ross Adair Federal Bldg. • 1300 S. Harrison Street • Fort Wayne, Indiana 46802 • (260) 423-3000 • Fax (260) 423-3007  
5400 Federal Plaza • Suite 2300 • Hammond, Indiana 46320 • (219) 852-6500 • Fax (219) 852-6509  
102 Robert A. Grant Federal Bldg. • 204 South Main Street • South Bend, Indiana 46601 • (574) 246-8000 • Fax (574) 246-8002  
214 Charles Halleck Federal Bldg. • 230 North Fourth Street • P.O. Box 1498 • Lafayette, Indiana 47902 • (765) 420-6250 • Fax (765) 420-6273



MICHAEL W. DOBBINS

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS  
 219 SOUTH DEARBORN STREET  
 CHICAGO, ILLINOIS 60604

312-435-5698

October 31, 2007

Mr. Stephen R. Ludwig, Clerk  
 United States District Court  
 102 Robert A. Grant Federal Building  
 and United States Courthouse  
 204 South Main Street  
 South Bend, IN 46601

Dear Clerk:

Re: 3:97CR46-001 - USA v. Erick C. Clay - Judge Robert L. Miller, Jr.

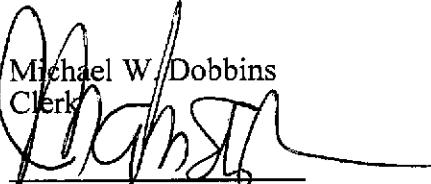
Our Case Number: 07 CR 703 - Northern District of Illinois

Enclosed is a certified copy of the Probation Form 22, Transfer of Jurisdiction, regarding, which has been accepted and assumed by this Court in the Northern District of Illinois, Eastern Division.

Please forward a certified copy of the indictment/information, judgment and docket along with the enclosed copy of this letter to the United States District Court at the above address. Your prompt attention to this matter is greatly appreciated.

Sincerely,

by:

Michael W. Dobbins  
 Clerk  
  
 Marsha E. Glenn  
 Deputy Clerk

Enclosure

07 NOV - 6 AM 11:28  
 STEPHEN R. LUDWIG, CLERK  
 U.S. DISTRICT COURT  
 FOR THE NORTHERN DISTRICT  
 OF ILLINOIS

FILED

81

TERMED

**U.S. District Court Northern District of Indiana [LIVE]**  
**USDC Northern Indiana (South Bend)**  
**CRIMINAL DOCKET FOR CASE #: 3:97-cr-00046-RLM All**  
**Defendants**

Case title: USA v. Clay

Other court case numbers: :00- -03671 USCA  
:98- -01783 □□'6  
USCA

Date Filed: 10/03/1997

Date Terminated: 03/18/1998

Assigned to: Judge Robert L  
Miller Jr

Appeals court case numbers: '04-  
2181' '7th Circuit Court of  
Appeals', 00-3671, 98-1783

**Defendant**

**Erick Cornell Clay (1)**  
TERMINATED: 03/18/1998  
*also known as*  
Sly

represented by **Brian J May**  
212 S Taylor St  
South Bend, IN 46601  
574-968-0049  
Fax: 574-234-8411  
Email: nucpromay@aol.com  
TERMINATED: 03/18/1998  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

18:844(i) ARSON  
(1)

**Disposition**

Defendant sentence to a term of imprisonment of 137 months on each of counts 1 and 2, with the sentences to run concurrently to each other, followed by a 3yr supervised term on each of counts 1 and 2 to run concurrently to each other with conditions;

21:841(a)(1) SCHEDULE II  
CONTROLLED SUBSTANCE -  
SELL, DISTRIBUTE, OR  
DISPENSE COCAINE BASE  
(CRACK COCAINE); 18:2  
AIDING AND ABETTING  
(2)

Defendant to pay a \$200 special assessment due immediately; deft to pay restitution in the total sum of \$23,970.00 due immediately

Defendant sentence to a term of imprisonment of 137 months on each of counts 1 and 2, with the sentences to run concurrently to each other, followed by a 3yr supervised term on each of counts 1 and 2 to run concurrently to each other with conditions; Defendant to pay a \$200 special assessment due immediately; deft to pay restitution in the total sum of \$23,970.00 due immediately

**Highest Offense Level  
(Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Disposition**

**Complaints**

None

**Miscellaneous Party**

**Erick Cornell Clay**

represented by **Erick Cornell Clay**

FCI Manchester

PO Box 3000

Fox Hollow Rd

Manchester, KY 40962

574-245-6518

PRO SE

**Plaintiff****United States of America**

represented by **Kenneth M Hays - AUSA**  
 US Attorney's Office - SB/IN  
 M01 Federal Building  
 204 S Main Street  
 South Bend, IN 46601-2191  
 574-236-8287  
 Fax: 574-236-8155  
 Email: kenneth.hays@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/03/1997	1	INDICTMENT by USA. Counts filed against Erick Cornell Clay (1) count(s) 1, 2 (Court Employee) (Entered: 10/03/1997)
10/03/1997	2	PRAECIPE FOR WARRANT: by plaintiff USA (Court Employee) (Entered: 10/03/1997)
10/03/1997		ARREST Warrant issued for Erick Cornell Clay by Mag Judge Robin D. Pierce (Court Employee) (Entered: 10/03/1997)
10/08/1997		ARREST of defendant Erick Cornell Clay on 10/7/97 (lpw) (Entered: 10/08/1997)
10/08/1997	3	MINUTES: before Mag Judge Robin D. Pierce initial appearance of Erick Cornell Clay without counsel; deft. advised of his constit rights and possible penalties of 5-40 yrs imprisonment, \$1,250.00 fine or both, 3yrs supervised release, \$200.00 special assessment; deft request court appointed counsel - granted; govt moves for pretrial detention; Detention hearing set for 3:00PM on 10/10/07 for Erick Cornell Clay; PTS report reviewed; deft remanded to USM (lpw) (Entered: 10/08/1997)
10/08/1997	4	CJA Form 23 (Financial Affidavit) as to Erick Cornell Clay (lpw) (Entered: 10/08/1997)
10/08/1997	5	CJA Form 20 Copy 4 (Appointment of Counsel) Attorney Brian J May for defendant Erick Cornell Clay (lpw) (Entered: 10/08/1997)

10/08/1997	6	ORDER OF TEMPORARY DETENTION PENDING HEARING by Mag Judge Robin D. Pierce; detention hearing set for 3:00PM on 10/10/97 (cc: all counsel, USM, USPO) (lpw) (Entered: 10/08/1997)
10/10/1997	7	MINUTES: before Mag Judge Robin D. Pierce ; arraignment/ detention hearing held on 10/10/97; deft. sworn and advised of his constit. rights; deft. enters a plea of not guilty to all counts; pretrial motions due on 10/29/97 for Erick Cornell Clay ;jury trial set for 9:30AM on 12/22/97 for Erick Cornell Clay before Judge Robert L. Miller Jr.; parties presents evidence and rest; court hearing closing statements; court grants govt's motions and to issue written order of detention; deft. remanded to USM (lpw) (Entered: 10/10/1997)
10/14/1997	8	ORDER ON DISCOVERY by Judge Robert L. Miller Jr.; parties afforded to and including 10/30/97 to seek additional discovery or seek relief from any provision of ths order (cc: all counsel) (blh) (Entered: 10/14/1997)
10/14/1997	9	ARREST Warrant returned executed as to Erick Cornell Clay on 10/8/97 (blh) (Entered: 10/14/1997)
10/20/1997	10	ORDER of Detention by Mag Judge Robin D. Pierce as to Erick Cornell Clay (cc: all counsel,USPO,USM) (lpw) (Entered: 10/21/1997)
12/02/1997	11	NOTICE: before Judge Robert L. Miller Jr. ; status hearing set for 2:30 12/11/97 for Erick Cornell Clay (cc: all counsel) (blh) (Entered: 12/03/1997)
12/03/1997	12	COURT'S PROPOSED FINAL JURY INSTRUCTIONS (blh) (Entered: 12/03/1997)
12/11/1997	13	STATUS CONFERENCE before Judge Robert L. Miller Jr.: status conference held on 12/11/97; Parties present; By agreement of the parties on December 22, 1997 at 9:30 a.m. the court will only be selecing the jury panel and opening statements and evidence will begin on 12/29/97 at 9:30am. Low, crt rpttr. (cc: AUSA, USM, USPO, May, Clay and chambers) (arl) (Entered: 12/12/1997)
12/15/1997	14	MOTION to amend indictment by USA as to Erick Cornell Clay (Court Employee) (Entered: 12/16/1997)
12/15/1997	15	MEMORANDUM by USA in support of motion to amend indictment [14-1] (Court Employee) Modified on 12/22/1997

		(Entered: 12/16/1997)
12/19/1997	16	NOTICE by plaintiff USA of intent to use evidence of other misconduct per F.R.E. 404(B) (blh) (Entered: 12/19/1997)
12/19/1997	17	MEMORANDUM by plaintiff USA in support of notice of intent to use evidence of other misconduct [16-1] (blh) (Entered: 12/19/1997)
12/19/1997	18	WITNESS list by plaintiff USA (blh) (Entered: 12/19/1997)
12/22/1997	19	ORDER by Judge Robert L. Miller Jr. granting motion to amend indictment [14-1]; the year of the offense charged in Count 2 is amended to "1996" in place of "1997" (cc: all counsel) (blh) (Entered: 12/22/1997)
12/22/1997	20	NOTICE by defendant Erick Cornell Clay of termination of counsel for ineffective assistance (blh) (Entered: 12/22/1997)
12/22/1997	21	COURT'S PROPOSED Voir Dire (arl) (Entered: 12/23/1997)
12/22/1997	22	Court's Preliminary Instructions (arl) (Entered: 12/23/1997)
12/22/1997	23	JURY TRIAL 1st day before Judge Robert L. Miller Jr.: jury trial held on 12/22/97; Partie present; Government motion to amend indictment GRANTED; Arguments heard on defendant oral motion to withdraw as his counsel Brian May; The defendant now withdraw that oral motion; Prospective jurors in attendance and sworn on voir dire; Jury panel selected and sworn to try cause; Trial continued to 12/29/97 at 9:30 am. Low, crt rptr. (arl) (Entered: 12/23/1997)
12/24/1997	24	TRIAL EXHIBITS list by plaintiff USA (slm) (Entered: 12/24/1997)
12/24/1997	25	JURY Instructions/List by plaintiff USA (slm) (Entered: 12/24/1997)
12/29/1997	26	JURY TRIAL 2nd day held 12/19/97 before Judge Robert L. Miller Jr.: Parties present; Government moves for arrest warrant as to witnesses Leonard Talton and Nikki Douglas for failure to appear for trial testimony - GRANTED; Defendant moves for separation of witnesses-GRANTED; Jury panel present; Opening statements heard; Government presents evidence; David Smith, Michal Pollack, Tammy Herring, Dwain Hallman, Joshua Fulkerson, David Dosman, Jeffry Holloway, Hiteshumar Patel, Gary Fulkerson and David Albritten - witnesses; Government rest; Defendant rest;

		Government moves to withdraw it's motion for issuance of arrest warrants as to witnesses Leonard Talton and Nikki Douglas - GRANTED; Arguments heard on the court's proposed final jury instructions; Trial continued to 12/30/97 at 9:00 am. Low, crt rptr. (arl) (Entered: 12/30/1997)
12/29/1997	27	PROPOSED Final JURY Instructions submitted by the court (arl) (Entered: 12/30/1997)
12/30/1997	28	JURY trial 3rd day held 12/30/97 before Judge Robert L. Miller Jr.: Parties and jury panel present; Final arguments heard; Final jury instructions read in open court; Jury panel excused from open court and directed to start with deliberations; Jury final informs the court that it has reached a verdict; Parties and jury panel present; Verdict read in open court; Jury panel polled in discharged; sentencing hearing set for 9:00 3/18/98 for Erick Cornell Clay before Judge L. Miller Jr. Low, crt rptr. (cc: AUSA, USM, USPO, May, Clay and chambers) (arl) (Entered: 12/31/1997)
12/30/1997	29	VERDICT of guilty as to Erick Cornell Clay on counts 1 and 2 (arl) (Entered: 12/31/1997)
12/30/1997	30	FINAL Instructions submitted by the court (arl) (Entered: 12/31/1997)
12/30/1997		EXHIBIT list by USA (exhibits located in exhibit vault) (arl) (Entered: 12/31/1997)
12/31/1997		MAIL Returned [13-2] addressed to defendant Erick Cornell Clay; resent to MCC (blh) Modified on 01/06/1998 (Entered: 01/02/1998)
12/31/1997		MAIL Returned [19-1] addressed to defendant Erick Cornell Clay; resent to MCC (blh) Modified on 01/06/1998 (Entered: 01/02/1998)
03/18/1998	31	SENTENCING hearing before Judge Robert L. Miller Jr.: sentencing hearing held on 3/18/98; Parties present; No objections to presentence report; Government presents evidence; Michael Critchlow - witness; Government rest; The court hears from all parties prior to sentence; No objection to proposed sentence; Defendant advised of appeal rights; Defendant informs the court he will appeal; The court continues the cja appointment of attorney Brian May for representation on appeal. Low, crt rptr. (arl) (Entered:

		03/18/1998)
03/18/1998	32	SENTENCING memorandum entered by Judge Robert L. Miller Jr. as to Erick Cornell Clay (cc: AUSA, USM, USPO, May, Clay and order book) (arl) (Entered: 03/18/1998)
03/18/1998	33	JUDGMENT and Commitment issued as to Erick Cornell Clay: sentencing Erick Cornell Clay (1) count(s) 1 and 2; Defendant sentence to a term of imprisonment of 137 months on each of counts 1 and 2, with the sentences to run concurrently to each other, followed by a 3yr supervised term on each of counts 1 and 2 to run concurrently to each other with conditions; Defendant to pay a \$200 special assessment due immediately and made payable to Clerk, U.S. District Court; deft to pay restitution in the total sum of \$23,970.00 due immediately, made payable to Clerk, U.S. District Court for dissemination as follows - to John Fulkerson in the sum of \$2,135.00, to Joshua Fulkerson in the sum of \$1,835.00 this part of the restitution shall be completed in full before further payments are forwarded to the other party entitled to restitution, the remaining balance of restitution which is \$20,000 shall be to Allstate Insurance Company and restitution payments shall be due immediately; Any portion of the restitution that is not paid in full at the time of the deft's release from imprisonment shall become a condition of supervision. (SE)Judge Robert L. Miller Jr. (cc: AUSA, USM, USPO, May, Clay and order book) (arl) (Entered: 03/18/1998)
03/18/1998		PRESENTENCE Report and Addendum and Sent Rec on Erick Cornell Clay (original sealed). (arl) (Entered: 03/18/1998)
03/26/1998	34	NOTICE of Appeal by defendant Erick Cornell Clay from Dist. Court regarding [33-4] (cc: all counsel) (blh) (Entered: 03/27/1998)
03/26/1998	35	Docketing Statement by defendant Erick Cornell Clay (blh) (Entered: 03/27/1998)
03/27/1998	36	Short record sent to USCA (blh) (Entered: 03/27/1998)
03/27/1998	37	MAIL Returned [32], [33] addressed to defendant Erick Cornell Clay marked Return to Sender; resent to St. Joseph County Jail (blh) (Entered: 03/27/1998)
04/06/1998	38	NOTIFICATION by Circuit Court of Appellate Docket

		Number 98-1783 (Court Employee) (Entered: 04/07/1998)
04/06/1998	39	APPEAL Transcript Designation and Order form for the dates of 12/29, 12/30, 3/18 regarding [34-1] (blh) (Entered: 04/08/1998)
04/20/1998		TRANSCRIPT of proceedings for the following date(s): 12/29-30/97 2 (Re: [34-1] ) court reporter Laura A Low (Court Employee) (Entered: 04/20/1998)
05/19/1998		REQUEST from USCA for transmittal of record (mjk) (Entered: 05/21/1998)
05/21/1998	40	APPEAL record sent to Circuit Court consisting of 1 volume pleadings, 2 volumes transcripts, 2 envelopes in camera materials and 1 envelope exhibits (mjk) (Entered: 05/21/1998)
06/11/1998	41	JUDGMENT and Commitment returned executed on 5/15/98 as to Erick Cornell Clay (1) count(s) 2, 1; Name of Institution: FCI Manchester, Manchester, KY (Court Employee) (Entered: 06/12/1998)
12/16/1998	42	APPEAL Mandate from Circuit Court of Appeals affirming the decision of the District Court [34-1] regarding Erick Cornell Clay Record returned consisting of 1 vol pleadings; 2 transcripts, 2 sealed materials (cc: all counsel) (smp) Modified on 12/17/1998 (Entered: 12/17/1998)
05/11/1999		RECEIPT for permanent release of exhibits (smp) (Entered: 05/13/1999)
01/27/2000	43	ORDER by Judge Robert L. Miller Jr. unsealing PSI reports and returning same to USPO (lpw) (Entered: 02/01/2000)
02/22/2000	44	PETITION Pursuant to 28:2255 by Erick Cornell Clay filed as Civil Case # 3:00cv117RM (cc: USA) (smp) (Entered: 02/23/2000)
02/23/2000	45	ORDER by Judge Robert L. Miller Jr. regarding [44-1] US Attorney to file written response to petitioner's motion within 30 days of this order (cc: all counsel) (smp) (Entered: 02/24/2000)
03/07/2000	46	MAIL Returned [45-1] addressed to defendant Erick Cornell Clay (re-sent to FCI-Manchester, KY) (smp) (Entered: 03/07/2000)
03/20/2000	47	MOTION to extend time for 30 days to respond to petitioner's

		2255 motion by USA as to Erick Cornell Clay (smp) (Entered: 03/21/2000)
03/21/2000	48	ORDER by Judge Robert L. Miller Jr. granting motion to extend time an additional 30 days to respond to petitioner's 2255 motion [47-1] Number of pages: 1 (cc: all counsel) (smp) (Entered: 03/22/2000)
04/24/2000	49	RESPONSE by plaintiff USA to 2255 motion [44-1] (smp) (Entered: 04/25/2000)
05/15/2000	50	MOTION to amend 2255 petition by Erick Cornell Clay with received-marked amended motion to vacate judgment or sentence (smp) Modified on 05/16/2000 (Entered: 05/16/2000)
06/21/2000	51	MEMORANDUM and Order: by Judge Robert L. Miller Jr regarding 2255 petition [44-1] ; order to show cause set for 7/11/00 why petitioner Clay's petition should not be dismissed as untimely (cc: all counsel) (smp) Modified on 07/07/2000 (Entered: 06/22/2000)
07/06/2000	52	RESPONSE by plaintiff USA regarding Memorandum and Order of 6/21/00 [51-1], [51-2] (smp) (Entered: 07/07/2000)
07/10/2000	53	RESPONSE by defendant Erick Cornell Clay to Scheduling order ; order to show cause set for 7/11/00 why petitioner Clay's petition should not be dismissed as untimely [51-1], to order [51-2] (smp) (Entered: 07/11/2000)
08/02/2000	54	MEMORANDUM and Order: by Judge Robert L. Miller Jr denying motion to amend 2255 petition [50-1], denying 2255 motion [44-1] (cc: all counsel) (smp) (Entered: 08/03/2000)
09/07/2000	55	NOTICE of Appeal by defendant Erick Cornell Clay from Dist. Court regarding denial of motion to vacate judgment [54-1] fees due (cc: all counsel) (smp) (Entered: 09/11/2000)
09/11/2000	56	Short record sent to USCA: copy of notice of appeal, order & judgment from 3:99cv117; 7th Circuit Appeal Information Sheet, docket sheets from 3:97cr46 and 3:00cv117 (smp) (Entered: 09/11/2000)
09/13/2000	57	ORDER by Judge Robert L. Miller Jr granting petitioner Clay a certificate of appealability regarding [55-1] Number of pages: 2 (cc: all counsel) (smp) (Entered: 09/15/2000)
10/20/2000		NOTIFICATION by Circuit Court of Appellate Docket Number regarding [55-1] ( 00-3671) (filed in 3:00cv117, EOD

		10/23/00) (mjk) (Entered: 02/06/2001)
11/06/2000	58	MOTION to appeal in forma pauperis by Erick Cornell Clay (smp) (Entered: 11/07/2000)
11/07/2000	59	ORDER by Judge Robert L. Miller Jr granting motion to appeal in forma pauperis [58-1] Number of pages: 2 (cc: all counsel) (smp) (Entered: 11/08/2000)
12/01/2000		REQUEST from USCA for transmittal of record (mjk) (Entered: 12/05/2000)
12/05/2000	60	APPEAL record sent to Circuit Court via UPS, consisting of 1 volume in this case and 1 volume in 3:00cv117RM (mjk) (Entered: 12/05/2000)
12/11/2000		RECEIPT by USCA for appeal record in this case & 3:00cv117 on 12/6/00 (00-3671) (mjk) (Entered: 12/13/2000)
07/09/2001	61	MOTION to have Federal Court records and Bureau of Prison records reflect petitioner's name change of Yerodin Lumumba Yero by Erick Cornell Clay (mjk) (Entered: 07/10/2001)
07/11/2001	62	ORDER by Judge Robert L. Miller Jr denying motion to have Federal Court records and Bureau of Prison records reflect petitioner's name change of Yerodin Lumumba Yero [61-1]; court unaware of any authority that would allow it to enter such an order Number of pages: 1 (cc: all counsel) (smp) Modified on 08/01/2001 (Entered: 07/12/2001)
07/30/2001	63	RESPONSE by defendant Erick Cornell Clay to order re motion for recognition of name change by BOP [62-1] (smp) (Entered: 07/31/2001)
07/31/2001	64	MEMORANDUM and Order: by Judge Robert L. Miller Jr denying motion to reconsider [63-1] (cc: all counsel) (smp) (Entered: 08/01/2001)
03/20/2002	65	APPEAL Mandate from Circuit Court of Appeals affirming the decision of the District Court [55-1] regarding Erick Cornell Clay Record returned consisting of 2 vols (cc: chambers) (smp) (Entered: 03/22/2002)
12/11/2002	66	LETTER from USCA requesting USDC to transmit the record to Supreme court (smp) (Entered: 12/13/2002)
12/17/2002	67	APPEAL record sent to US Supreme Court (1 vol in 3:00cv117 and 1 vol in 3:97cr46) (smp) (Entered: 12/17/2002)

01/09/2003	68	RECEIPT of record by US Supreme court on 12/23/02 (smp) (Entered: 01/09/2003)
04/15/2003		APPEAL Record returned by US Supreme Court as to defendant Erick Cornell Clay (1 volume in 3:97cr46 and 1 vol in 3:00cv117) (smp) (Entered: 04/16/2003)
05/08/2003	69	LETTER of transmittal from USCA requesting record on appeal. (rmn) (Entered: 05/08/2003)
05/08/2003	70	CLERK'S record on appeal transmitted to Circuit Shipping: via UPS Volumes: 1 (rmn) Modified on 05/08/2003 (Entered: 05/08/2003)
05/15/2003	71	RECEIPT of record by USCA on 5/9/03 (smp) (Entered: 05/19/2003)
11/14/2003	72	MEMORANDUM AND ORDER as to Erick Cornell Clay re [50] Motion to Amend 2255 petition filed by Erick Cornell Clay; Court considers the amended motion filed; the government has to/including 12/14/03 to respond to amended motion. . Signed by Judge Robert L Miller Jr on 11/14/03. (smp, ) Additional attachment(s) added on 11/19/2003 (smp, ). (Entered: 11/18/2003)
11/14/2003	73	Set Response Deadlines as to Erick Cornell Clay : Government Response Brief due by 12/14/2003. (smp, ) (Entered: 11/18/2003)
11/19/2003	73	Mail Returned as Undeliverable (returned for better address). Mail sent to Erick Cornell Clay. Resent 11/21/03 (smp, ) (Entered: 11/21/2003)
12/10/2003	74	RESPONSE to Motion by United States of America as to Erick Cornell Clay re [50] Motion to Amend/Correct <i>to Vacate Judgment or Sentence filed</i> (Hays, Kenneth) (Entered: 12/10/2003)
01/08/2004	75	MOTION for Extension of Time to 4/2/04 to File reply brief by Erick Cornell Clay. (smp) (Entered: 01/14/2004)
01/22/2004	76	ORDER granting in part and denying in part 75 Motion for Extension of Time to File as to Erick Cornell Clay (1); extending time to reply only up to/including 3/1/04. Signed by Judge Robert L Miller Jr on 1/22/04. (smp) (Entered: 01/24/2004)
01/29/2004	77	REPLY TO RESPONSE to Motion by Erick Cornell Clay re

		[50] Motion to Amend/Correct 2255 petition (smp) (Entered: 01/30/2004)
03/10/2004	•78	MEMORANDUM AND ORDER denying Mr Clay's 2255 petition and motion for evidentiary hearing [50] and 72 as to Erick Cornell Clay . Signed by Judge Robert L Miller Jr on 3/10/04. (smp) (Entered: 03/11/2004)
03/24/2004	•79	NOTICE OF APPEAL by Erick Cornell Clay re 78 Memorandum Opinion denying 2255 petition (smp) (Entered: 03/25/2004)
03/25/2004	•80	Short Record Sent to US Court of Appeals as to Erick Cornell Clay re 79 Notice of Appeal consisting of copy of order dated 3/10/04, clerk's entry of judgment from 3:00cv117, 7th Circuit Appeal Information Sheet, docket sheets from 3:97cr46 and 3:00cv117 (smp) . (Entered: 03/25/2004)
04/21/2004	•81	MEMORANDUM AND ORDER denying certificate of appealability re notice of appeal 79 as to Erick Cornell Clay . Signed by Judge Robert L Miller Jr on 4/21/04. (smp) (Entered: 04/22/2004)
04/22/2004	•82	Certified and Transmitted Record on Appeal as to Erick Cornell Clay to US Court of Appeals re 79 Notice of Appeal - Final Judgment (smp) (Entered: 04/22/2004)
05/10/2004	•83	USCA Case Number as to Erick Cornell Clay 04-2181 for 79 Notice of Appeal filed by Erick Cornell Clay. (smp) (Entered: 05/12/2004)
05/27/2004	•84	NOTICE of Docketing Record on Appeal on 5/24/04 from USCA as to Erick Cornell Clay re 79 Notice of Appeal - Final Judgment filed by Erick Cornell Clay. USCA Case Number 04-2181 (smp) (Entered: 05/28/2004)
07/01/2004	•85	Appeal Record Returned as to Erick Cornell Clay : 79 Notice of Appeal - Final Judgment ( 2 vols 3:97cr46 and 1 vol 3:00cv117) (smp) (Entered: 07/01/2004)
10/10/2007	•86	ORDER TRANSFERRING JURISDICTION as to Erick Cornell Clay to the Northern District of Illinois (Chicago) upon that Court's acceptance of jurisdiction.. Signed by Judge Robert L Miller Jr on 10/10/07. (smp) Additional attachment (s) added on 10/15/2007 (Paulson, Shirley). (Entered: 10/12/2007)

11/06/2007	•87	Probation Jurisdiction Transferred to Northern District of Illinois as to Erick Cornell Clay Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (smp) (Entered: 11/07/2007)
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

FILED  
IN OPEN COURT

OCT 03 1997

At STEPHEN R. LUDWIG, Clerk M  
STEPHEN R. LUDWIG, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA )  
 )  
v. ) 18 U.S.C. § 844(i)  
 ) 21 U.S.C. § 841(a)(1) *3:97-cr-46RM*  
ERICK CORNELL CLAY, a/k/a "SLY" ) 18 U.S.C. § 2

**THE GRAND JURY CHARGES:**

**Count 1**

On or about the 18th day of October, 1996, in the Northern District of Indiana,

**ERICK CORNELL CLAY,  
a/k/a "SLY",**

the defendant herein, did maliciously damage and destroy, by means of fire, the building and personal property located at 527 Haney Street, South Bend, Indiana, which building and personal property were then being used in activities which affected interstate commerce;

All in violation of Title 18, United States Code, Section 844(i).

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

I Certify that the foregoing is a true copy of the original on file in this court and cause.

**STEPHEN R. LUDWIG, CLERK**

By Mark Davis  
DEPUTY CLERK  
Date 11-9-07

**THE GRAND JURY FURTHER CHARGES,**

**Count 2**

In or around the month of September, 1997, the exact dates being unknown to the Grand Jury, in the Northern District of Indiana,

**ERICK CORNELL CLAY,  
a/k/a "SLY",**

defendant herein, did knowingly and intentionally distribute cocaine base (crack cocaine), a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**A TRUE BILL:**

**JON E. DeGUILIO  
UNITED STATES ATTORNEY**

By:



**Kenneth M. Hays  
Assistant United States Attorney**

I Certify that the foregoing is a  
true copy of the original on file in this  
court and cause.

STEPHEN R. LUDWIG, CLERK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

v.

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)  
Date 11/17/07

Cause No. 3:97CR00046(01)RM

ERICK C. CLAY  
(Name of Defendant)

Brian May  
Defendant's Attorney

THE DEFENDANT:

XX was found guilty on count(s) 1 and 2 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count No(s.)</u>
18:844(j)	Arson	10-18-96	1
21:841(a)(1) and 18:2	Distribution of Crack Cocaine, Aiding and Abetting therein.	Sept. 1997	2

Defendant is sentenced as provided on additional pages of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

XX It is ordered that defendant shall pay to the United States a special assessment of \$200.00, for Count(s) 1 and 2 which shall be due immediately as follows: payable to Clerk, U.S. District Court, 102 Federal Bldg., 204 S. Main St., South Bend, Indiana 46601. It is further ordered that the defendant shall notify the Clerk, of the United States District Court for this district within 30 days of any change of name, residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

March 18, 1998  
Date of Imposition of Sentence

Robert L. Miller  
Robert L. Miller, Jr., Judge  
United States District Court

n St.

March 18, 1998

Date

Defendant: ERICK C. CLAY  
Case No.: 3:97CR00046 (01) RM

Judgment

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of onehundred-thirty seven (137) months on count 1 and for a term of onehundred-thirty seven (137) months on count 2, which shall be served concurrently.

       The Court makes the following recommendations to the Bureau of Prisons:

XX The defendant is remanded to the custody of the U.S. Marshal.

       The defendant shall report to the facility designated by the Bureau of Prisons, as advised by the United States Marshal, not later than

**RETURN**

I have executed this Judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this  
Judgment.

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United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: ERICK C. CLAY  
Case No: 3:97CR00046 (01)RM

Judgment

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years on count 1 and for a term of three (3) years on count 2, which shall be served concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court. If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

XX The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

XX The defendant shall not possess a firearm or destructive device.

XX The defendant shall not illegally possess a controlled substance, and shall submit to one drug urinalysis within 15 days after being released on supervision and at least two periodic tests thereafter.

XX The defendant shall pay any financial penalty that is imposed by this judgment. As long as any portion of the restitution remains unpaid, the defendant shall provide the probation office with any requested financial information, shall not incur new credit charges or open additional lines of credit without the probation officer's approval unless the defendant and the probation office have agreed on an installment schedule and the defendant is in compliance with that installment schedule, and shall notify the United States Attorney's Office of any change in residence or mailing address.

XX The defendant shall participate in a drug aftercare treatment program, which may include urine testing, at the probation officer's direction and discretion, under a co-payment plan under which the defendant will be held responsible for 3 percent per \$100 of his net wages as determined by the probation office. If the defendant is unemployed or receiving public assistance, the defendant shall be held responsible for a co-payment of \$10 per month. Payments shall be made on a per visit basis, and shall not exceed the contract price.

Defendant: ERICK C. CLAY Judgment  
 Case No: 3:97CR00046 (01) RM

**STANDARD CONDITIONS OF SUPERVISION**

While defendant is on probation or supervised release pursuant to this Judgment, the defendant shall not commit another Federal, State or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: ERICK C. CLAY Judgment  
Case No: 3:97CR00046 (01) RM

RESTITUTION

XX The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
United States District Court	\$23,970.00
Clerk's Office	
102 Robert A. Grant Federal Building	
204 S. Main Street	
South Bend, Indiana 46601	
for dissemination as follows:	

to John Fulkerson, the sum of \$2,135.00,  
and to Joshua Fulkerson, the sum of  
\$1,835.00. Pursuant to 18 U.S.C. Section 3664(j)(1),  
this restitution shall be completed in full  
before further payments are forwarded to  
the other party entitled to restitution.

to Allstate Insurance Company, the sum of  
\$20,000.00.

Restitution shall be due immediately. The defendant shall make restitution payment(s) from any wages he may earn in prison in accordance with the Bureau of Prisons' Financial Responsibility Program. Any portion of the restitution that is not paid in full at the time of the defendant's release from imprisonment shall become a condition of supervision.